What the Research Says About Transfer


Research Findings

- Difficult to know how many youth are transferred since there are many mechanisms that are not tracked well (Bishop & Frazier, 2000)

- Lack of empirical evidence supporting its efficacy.

  - Growing body of such research indicating that transfer increases recidivism (e.g. Barnoski, 2003; Bishop, Frazier, Lanza-Kaduce, & Winner, 1996; Fagan, 1995; Lanza-Kaduce, Lane, Bishop, & Frazier, 2005; Myers, 2001; Podkopacz & Feld, 1996; Winner, Lanza-Kaduce, Bishop, & Frazier, 1997)

  - “Comparative studies suggest that waived juveniles are more likely to reoffend, more quickly, at a higher rate, and perhaps with more serious offenses than juveniles retained in the juvenile court” (Krisberg & Howell, 1998)
Other Possible Effects of Transfer on Youth

- Longer sentences
  - 20% receive probation (Bishop 2000)
  - Mixed evidence for longer time served
  - Still young adults at release

- Victimization
  - Victim is under age 18 in 21% of inmate on inmate sexual violence (Beck & Harrison, 2008)
  - Juveniles 5X more likely to be sexually assaulted and 2X more likely to be beaten by staff (Beyer, 1997)
Other Possible Effects of Transfer on Youth

- May result in incarceration in secure facilities, but it does not guarantee more intensive treatment (Johnson, Lanza-Kaduce & Woolard, 2011)

- Disruption in Development
  - Little empirical research in this area
  - “Learner’s permit” for adulthood
  - Potential disruptions
    - Identity
    - Social capital
Pathways to Desistance

Transfer of Juveniles to Adult Court: Study Findings
Study Background

Supported by

- Office of Juvenile Justice & Delinquency Prevention
- National Institute of Justice
- National Institute on Drug Abuse
- John D. & Catherine T. MacArthur Foundation
- Pennsylvania Commission on Crime & Delinquency
- Arizona Governor’s Justice Commission
- Robert Wood Johnson Foundation
- William Penn Foundation
- William T. Grant Foundation
Study Working Group Members

- Edward Mulvey
- Laurence Steinberg
- Elizabeth Cauffman
- Laurie Chassin
- George Knight
- Carol Schubert
- Sandra Losoya
- Robert Brame
- Jeffrey Fagan
- Alex Piquero
Figure 1. Age-specific arrest rates for United States Federal Bureau of Investigation’s (FBI) index offenses in 1980. (Index offenses include homicide, forcible rape, robbery, aggravated assault, burglary, larceny, and auto theft. From “Criminal Career Research: Its Value for Criminology” by A. Blumstein, J. Cohen, and D. P. Farrington, 1988, Criminology, 26, p. 11. Copyright 1988 by the American Society of Criminology. Adapted by permission.)
Reasons for the study

- Richer information about serious adolescent offenders
- Picture of the desistance process
  - Individual maturation
  - Life changes
  - Systems involvement
- Improved practice and policy in juvenile justice
  - Risk assessment
  - Targeted interventions and sanctions
Study Design

- Two sites: Philadelphia and Phoenix
- Enroll serious adolescent offenders
  - 1,354 felony offenders, age 14-17 at index offense
  - Females and adult transfer cases
- Cap drug offenders at 15% of the sample
- Regular interviews over eight years
  - Initial interviews
  - Time point interviews
  - Release interviews
- Other sources of information
  - Collateral interviews
  - Official records
What we look at

Background Characteristics
- Personal characteristics (e.g. family, marital relationships)
- Academic achievement and commitment
- Routine activities
- Offense history
- Alcohol and drug use/abuse
- Exposure to violence
- Psychopathy
- Emotional reactivity
- Acculturation
- Personality

Psychological Mediators
- Psychological development
- Mental health symptoms/threat control
- Head injury
- Use of social services
- Perceptions of opportunity
- Perceptions of procedural justice
- Perceived thrill of doing crime
- Moral disengagement
- Religious orientation
- Costs and rewards of offending

Family Context
- Parental Monitoring
- Parental Relationships
- Parent orientation

Personal Relationships
- Relationships with romantic partner & friends
- Peer delinquency and gang involvement
- Contact with caring adult

Community Context
- Neighborhood conditions
- Community involvement
- Personal capital and social ties

Life Changes
Monthly data available regarding:
- Living arrangements
- School involvement
- Legal involvement
- Work
- Romantic relationships
- Social service involvement/sanctions

Life Changes
<table>
<thead>
<tr>
<th>Subject 1</th>
<th>Month 1</th>
<th>Month 2</th>
<th>Month 3</th>
<th>Month 4</th>
<th>Month 5</th>
<th>Month 6</th>
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<tbody>
<tr>
<td></td>
<td>926 West Huntington St</td>
<td>St Gabe’s Hall</td>
<td>926 West Huntington St</td>
<td>St Gabe’s Hall</td>
<td>Vision Quest Forestry Camp</td>
<td>Youth Forestry Camp</td>
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<td>1008 S. Wilmot</td>
<td>1008 S. Wilmot</td>
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<tr>
<td>Subject 3</td>
<td>5003 Master St</td>
<td>2nd and Norris</td>
<td>PO Box 1059</td>
<td>PO Box 1059</td>
<td>House of Corrections</td>
<td>PO Box 1059</td>
</tr>
</tbody>
</table>
Who are these adolescents?

- 16 years old on average
- 86% male
- Average of three prior court appearances before the baseline interview, but 26% had no prior petitions to court
- Ethnically diverse
Most Serious Adjudicated Charge – Study Index Petition

![Bar chart showing the most serious adjudicated charges in Philadelphia and Phoenix. The chart compares charges such as Aggravated assault, Drug (delivery, possess), Robbery/attempt Robbery, Weapons/possession, Sex offenses/rape/indent assault, Murder/homicide, Theft/stolen property, Kidnapping, Arson, and Felony Conspiracy.]
Progress so far

- Data collection completed in 2010
- Completed an average of 90% of interviews at each time point
- Over 21,000 interviews
- Archiving data at the Interuniversity Consortium for Political and Social Research (ICPSR) at the University of Michigan
  - Initial waves of data released for public access in August, 2012 and January, 2013
  - Additional data to be released in December, 2013
- Current efforts primarily on analysis and dissemination
Transfer policies in PA and AZ (2000-2003)

- Arizona – “wide net” state
  - Age of juvenile jurisdiction = 18
  - Multiple paths (judicial, statutory, prosecutorial)

  193 Pathways youth from AZ transferred at study index petition

- Pennsylvania – “limited net” state
  - Age of juvenile jurisdiction = 21
  - More mechanisms for keeping youth in the juvenile system (e.g. waive back)

  51 Pathways youth from PA transferred at study index petition
Predicting Outcomes for Transferred Youth

Research Background

- Existing research would suggest that transfer has very little good to offer and may be counterproductive (e.g. Bishop, 2000; Fagan, 1996; Kupchik, 2006)

- Limitations of existing transfer research
  - Restricted set of outcomes considered
  - Failed to consider individual differences in response to transfer (subgroup variation largely ignored)

- Transfer provision is likely to remain in some form
  - Question becomes who is most suited for transfer

- Understanding variability is the first step for identifying possible places for policy revision
Sample

- 193 youth from Arizona enrolled in the Pathways study
  - 17 years old ($s.d. = .92$)
  - 94% male
  - Predominately minority (59% Hispanic, 12% African American, 21% Caucasian, 8% other ethnicity)
  - 3 ($s.d. = 2.6$) prior petitions to court
  - Person crimes most common
Source of information

- 48-month follow-up information used
  - Average follow-up period
    - 1,544 days (s.d. = 218)

- Self-report
  - Characterizations of the recall period across a broad range of domains including antisocial acts
  - Monthly calendar data

- Official Record
  - Juvenile and adult court records from Maricopa County
  - FBI records
Outcomes

Four outcomes

- Rate of re-arrest
  - Number of re-arrests following initial disposition stay/days in the community following release from initial disposition stay

- Resumed antisocial activity
  - First month following release from initial disposition stay with 2 or more reported activities

- Return to a facility
  - Return to a correctional or mental health facility

- Gainful activity (working or in school)
  - First month following release from initial disposition stay when working at least 21 hours/week for 2 weeks in the month OR attending school without missing more than 5 days
How did this transferred group fare?

- Some consistencies with national figures regarding transfer process
  - 75% incarcerated, 19% given probation, 8% dismissed
  - Actually serve about 2/3 of court sentence
    - Average days served = 391 days
  - Time served increased by severity of crime

- Outcomes
  - The majority resumed antisocial activity (49%), were re-arrested (62%) or returned to a facility (88%)
  - The majority (86%) were working or in school for the greater proportion of their time in the community
  - Subgroup differences
    - Youth with no prior petitions had lower rate of re-arrest following release
    - Youth who were incarcerated returned to a facility (usually jail) more quickly than those given probation
What factors are related to better or worse outcomes in transferred cases?

- Four types of factors considered
  - Legal
    - offense type, # of prior petitions, age at first petition to court
  - Demographics
    - age, ethnicity, parent education-SES proxy
  - Psychological characteristics
    - intelligence, 3 aspects of maturity: temperance, perspective, responsibility
  - Risk-need indicators
    - association with antisocial peers, antisocial attitudes, parental antisocial history, school difficulties, substance use problems, mood anxiety problems
Approach

- Survival Analysis
- Four outcomes
  - Resumed antisocial activity
  - Return to a facility
  - Re-arrest
  - Gainful activity
- Separate model for each outcome and each of the four types of factors
  - Legal
  - Demographic
  - Psychological
  - Risk-need
Results regarding case factors

- Legal and risk/need factors related to time to re-arrest
  - Prior petitions
  - Association with antisocial peers
- Legal and risk/need factors related to time to resumed antisocial activity
  - Charge type
  - Association with antisocial peers
- Legal factors related to return to an institutional setting
  - Charge type
  - Age at first prior petition
- No Legal or Extra-legal factors related to Gainful Activity
  - Little variability in the “time to” values
Limitations

- 15% of sample not released into the community
  - Generally more serious charges, less mature, involvement with more antisocial peers and poorer attitudes
  - *Likely to make findings more pronounced*

- Significant findings may be spurious
  - Sample size limits types of analyses that can be done
  - Number of models run increases the possibility of significant findings by chance
  - *Focus on trends*
Limitations

- One jurisdiction
  - Findings may not hold for transferred youth in another locale
  - *Do provide a detailed snapshot of a jurisdiction with a wide-net*
  - Within group comparisons cannot tell us if the act of being transferred is detrimental
Policy-Relevant Implications

- Legal factors related to the time to rearrest, resumed antisocial activity and a return to institutional setting
  - Number of prior petitions (more priors, worse outcomes)
  - Charge type (property offenders do better)
- Risk/need factors related to time to rearrest, resumed antisocial activity and a return to institutional setting
  - Association with antisocial peers (more antisocial peers, worse outcomes)
- Psychological and Demographic factors not related
Transferred youth – 7 years later

- At the last interview (84 months)
  - 49% in prison
  - 16% in jail
- 13 transferred youth spent no time in the community in that 7 year period
- Time spent “locked up”
  - Transferred youth spent an average of 1,212 days locked up (47% of the 7 years)
  - Youth in juvenile system spent an average of 621 days locked up (24% of the 7 years)
Transferred youth – 7 years later

- By age 21, no difference between transferred youth and other Pathways youth in
  - Proportion with GED or High School Diploma
  - Proportion with a license or certificate related to job training
  - Proportion living in their own

- Change (between first and last interview) in developmental measure scores not more or less pronounced for transferred youth compared to other Pathways youth
Accounting for Selection to Understand the Effects of Transfer to Adult Court on Juvenile Offender Outcomes

Do youth who are transferred to adult court fare better or worse than youth with similar characteristics who remain in juvenile court?
Effects of transfer

Sample: AZ adolescents transferred to adult court (N=193) and adolescents retained in the juvenile court (N=461)
- 128 transferred cases used for the current analyses

Outcome: rate of re-arrest over the follow-up period
- Follow-up to four years after enrollment
- Exclude probation violations
- Incorporate time on street from life event calendars to get a rate of re-arrest

Method: Propensity Score Matching
More about propensity score matching…

- **What is it?**
  - **Two step process:**
    - A propensity score is calculated for each case. It is the predicted probability that you get transferred given all of the background characteristics considered.
    - Take each transferred case and match it to one or more non-transferred case with similar propensity score.
  - We then can look to see if the transferred group looks similar to the non-transferred group on a variety of characteristics that might affect the outcome.
  - If the groups look alike, we can attribute the difference in the outcomes to the fact that they were transferred.
More about propensity score matching...

- **Benefits**
  - Allows for consideration of a wide range of characteristics on which to match
  - Subjects with similar propensity scores can be expected to be similar on the background characteristics
  - If we match subjects in adult court to cases with a similar propensity score who stayed in juvenile court, we can more closely mimic random assignment to one system or the other

- **Problem**
  - Certain cases in the “serious violent” crime group are not anything like those in the juvenile system
    - 28 cases not released during the period of observation for this analysis
    - These cases will probably be transferred anyway due to legislative guidelines
# Group Balance Before and After Matching

<table>
<thead>
<tr>
<th>Variable</th>
<th>Prior to Matching</th>
<th>After Matching</th>
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<tbody>
<tr>
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<td>17.00</td>
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</tr>
<tr>
<td>Juvenile</td>
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<td>16.86</td>
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</tr>
<tr>
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<td>.23</td>
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<td>0.11</td>
<td>-</td>
</tr>
</tbody>
</table>

**Variables in balance**: 37 of 52 | 45 of 52
Results

- When matched, the transferred group and those retained in juvenile court have the same rate of re-arrest (.91 vs .94 arrests per year)

- Transfer does differentially affect youth
  - types of offense charged
  - prior offenses
Re-arrest rates by referring charge group (matched samples)

Rate of re-arrest

serious Violent Felonies  Property/Felony-not Part I

-0.84  0.47

%Juvenile  %Adult

Serious Violent Felonies  Property/Felony-not Part I
Conclusions

- A common issue for research in the area of transfer is comparability of youth sent to adult criminal courts with those who are retained in juvenile courts.

- Propensity score matching allows for tests of policy within a longitudinal study.

- No effect of transfer on overall rate of re-arrest.
  - “local” effects by offense type, number of prior petitions.
  - Relevant for rewriting legislation for lower threshold for inclusion.
Overall Conclusions

- Many states now revisiting the wisdom of transfer policies
- Pathways study findings contribute to the story
  - There is variability within the transferred group
  - There are differential effects of transfer by charge type
  - The effects of transfer on developmental outcomes are unclear
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